

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**ANGELA FULLER, on behalf of
herself and others similarly
situated,**

Plaintiff,

v.

**AVIS BUDGET CAR RENTAL, LLC
and AVIS BUDGET GROUP, INC.,**

Defendants.

Civ. No. 15-3856 (KM)(MAH)

**ORDER – FINAL APPROVAL OF
SETTLEMENT & ATTORNEY’S FEES**

The plaintiff has filed a motion (ECF no. 47) for final approval of the class action settlement, which was granted orally on the record on November 28, 2017, and the plaintiff has filed a separate motion (ECF no. 48) for attorneys’ fees and reimbursement of expenses in a total amount of \$890,815.20.

FINAL APPROVAL OF SETTLEMENT (ECF no. 47)

The necessary findings having been made on the record on November 28, 2017, and the Court having simultaneously filed herewith a Consent Order, the motion (ECF no. 47) will be granted, the Settlement Class is certified, and the proposed settlement as embodied in the Settlement Agreement (ECF no. 42-2) is approved.

ATTORNEYS’ FEES (ECF no. 48)

This order is based on the reasons expressed on the record on November 28, 2017, and the following additional findings of the Court:

- 1) This is a hybrid attorney’s fees case, in that the Fair Credit Reporting Act provides for fee shifting, and a common fund was also created.
- 2) The gross requested award of \$890,815.20 (including \$17,482.52 in nonreimbursed costs) represents approximately 33% of the common fund, i.e., the settlement’s value to the class. That value is calculated

fund, i.e., the settlement's value to the class. That value is calculated to be \$2,699,440, a comprehensive figure which encompasses \$2,150,000 in cash payments, \$509,440 in \$20 vouchers, and \$40,000 in administration expenses.

- 3) The 682.1 hours worked and the rates charged by plaintiff's counsel are fair, reasonable, and adequately documented.
- 4) The hourly charges of attorneys and paralegals result in a lodestar figure of \$344,575 (not including costs). With costs, the figure is \$361,794.02.
- 5) Even the lower lodestar figure of \$344,575 (without costs), divided into the requested award of \$890,815.20 (including costs), would yield a multiplier of 2.59. The court's review of lodestar calculations in cases of a similar size suggests that such a multiplier would be within the average range.¹ While this was not an overly challenging case, it was not a simple one, in that plaintiffs sought an amount of statutory damages that would require a showing of willfulness, 15 U.S.C. § 1681n. The recovery for class members whose claims were not arguably time-barred was approximately \$700, at the higher end of the statutory damages range of \$100–\$1,000. *Id.*
- 6) The award, calculated on the basis of a 33% of the fund, is at the high end of what is reasonable. I consider, however, that the cross-check does not yield an unusually high multiplier, and that the fund, by federal class action standards, is not such a large one. I also consider counsel's undertaking of this matter on a contingency basis with risk of non-recovery, counsel's demonstrated expertise and efficiency, the substantial monetary benefit achieved for the plaintiff and Class Members, and Defendants' having revised their relevant practices as a

¹ See *In re Prudential Co Sales Practices*, 148 F.3d 283, 341 (3d Cir. 1998) ("Multiples ranging from one to four are frequently awarded in common fund cases where the lodestar method is applied")


result of the Settlement Agreement. Finally, no affected party has raised any objection to the fee requested.

- 7) The claimed \$17,482.52 in unreimbursed costs are reasonable and adequately documented.

IT IS therefore this 15th day of December, 2017.

ORDERED that the Settlement Class is certified and that the motion (ECF no. 47) for approval of the proposed settlement as embodied in the Settlement Agreement (ECF no. 42-2) is GRANTED for the reasons expressed on the record on November 28, 2017; and it is further

ORDERED that the motion for attorney's fees and costs (ECF no. 48) is GRANTED, and that the settlement shall include an approved award of fees and costs in the amount of \$890,815.20.


KEVIN MCNULTY
United States District Judge